

Notice of Allowability

Application No.

09/683,561

Examiner

Michael J. Simitoski

Applicant(s)

DURBIN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment of 2/21/2007.
2. ☒ The allowed claim(s) is/are 1-13, 15, 16, 22 and 24-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070228.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KAMBIZ ZAND
PRIMARY EXAMINER

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DETAILED ACTION

1. An Examiner's amendment begins on p. 3 of this action.
2. The Examiner's reasons for allowance begin on p. 10 of this action.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Gardner (262-268-8100) on 2/27/2007.

The application has been amended as follows:

Please REPLACE all existing claims ADD new claims 33-34 as follows:

1. (Currently Amended) A method to remotely permit user enablement of software options resident on a medical imaging device, the method comprising the steps of:

(A) prompt a user to input a request and I.D. data into a data entry module remote from and communicatively coupled with a remotely located stand-alone medical imaging device, the request and I.D. data including a user identifier, a system identifier, a stand-alone device identifier, and a non-enabled option identifier;

(B) receiving, at a centralized facility, the request and I.D. data from the user, via the data entry module remote from and communicatively coupled with a remotely located stand-alone medical imaging device, wherein the request and I.D. data seek access to the non-enabled option resident on the device;

(C) generating an electronic licensing contract;

(D) prompt the user to either accept or decline the licensing contract;

(E) if the user accepts the licensing contract, generating an electronic enabler configured to enable the non-enabled option;

(F) transmitting the electronic enabler to the user via the data entry module; and

(G) providing instructions to the user via the data entry module to install the electronic enabler in the remotely located stand-alone medical imaging device to activate the option on the remotely located stand-alone medical imaging device, upon user-input of the enabler on the data entry module or the stand-alone medical imaging device.

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2. (Original) The method of claim 1 further comprising the step of enabling user access to the option for a predefined period of time.
3. (Original) The method of claim 2 further comprising the step of enabling user access to the option for a trial period of thirty days.
4. (Previously Presented) The method of claim 1 wherein the step of transmitting the electronic enabler includes one of forwarding the electronic enabler to the user via an electronic mailing system, displaying the electronic enabler on a graphical user interface coupled with the data entry module via an Internet connection, and providing the electronic enabler via a telephone system coupled with the data entry module.
5. (Previously Presented) The method of claim 1 further comprising the step of granting the license to use the software option for a predetermined trial period.
6. (Original) The method of claim 1 further comprising the step of transmitting a request for verification of enablement of the software to the user.
7. (Original) The method of claim 1 wherein the enabler comprises an alphanumeric code.
8. (Original) The method of claim 1 further comprising the step of generating the electronic enabler upon user satisfaction of a set of criteria, the set of criteria including at least one of a user account, a host identifier, a device identifier, and an option identifier.
9. (Previously Presented) The method of claim 1, wherein the data entry module comprises a workstation remote from the centralized facility and communicatively coupled with the remotely located stand-alone medical imaging device, wherein the step of receiving a request includes the step of receiving the request at a centralized facility via a graphical user interface accessed by the user at the workstation remote from the centralized facility.

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10. (Previously Presented) An access granting system comprising:
a stand-alone device having a data entry module communicatively coupled therewith and further including at least one disabled option resident in memory thereon; and
a centralized facility located remotely from the device and having at least one computer programmed to:

display a graphical user interface configured to facilitate user activation of the at least one disabled option;

receive a request to activate the disabled option from a user remote from the device and the centralized facility;

generate an alphanumeric code;

electronically transmit the alphanumeric code to the user, the alphanumeric code configured to activate the disabled option upon inputting of the alphanumeric code by the user on the data entry module communicatively coupled with the stand-alone device;

prompt the user to input a set of identifying data including a user identifier, a system identifier, a stand-alone device identifier, and a disabled option identifier;

generate an electronic licensing contract; and

prompt the user to either accept or decline the licensing contract.

11. (Original) The system of claim 10 wherein the at least one computer is further programmed to either email the alphanumeric code to the user or display the alphanumeric code on the graphical user interface.

12. (Original) The system of claim 10 wherein the alphanumeric code is further configured to activate the disabled option for a predetermined and limited time period.

13. (Original) The system of claim 12 wherein the stand-alone device includes at least one medical imaging scanner and the alphanumeric code is configured to automatically disable the activated option upon expiration of the predetermined and limited time period.

14. [Cancelled]

15. (Original) The system of claim 10 wherein the at least one computer is further programmed to electronically transmit a request for verification of activation of the disabled option to the user.

16. (Original) The system of claim 10 wherein at least one computer is further programmed to electronically transmit an instructional manual to the user; the manual including a set of instructions for activating the disabled option.

17-21. [Cancelled]

22. (Previously Presented) A computer readable storage medium having a computer program stored thereon, the computer program having a set of instructions that when executed by a computer causes the computer to:

display a graphical user interface configured to facilitate user activation of a disabled option resident on a medical imaging device by a user remote from the medical imaging device;

receive a number of user inputs from the user;

generate an alphanumeric code configured to activate the disabled option upon inputting of the alphanumeric code by the user on a data entry module communicatively coupled with the medical imaging device;

automatically convey the alphanumeric code to the user; and

wherein the instruction to convey the alphanumeric code includes one of emailing the alphanumeric code to the user via an electronic messaging system and displaying the alphanumeric code on the graphical user interface coupled with the data entry module.

23. [Cancelled]

24. (Previously Presented) The computer readable storage medium of claim 22 wherein the set of instructions further causes the computer to determine a period of delay, the period of delay representing a time to allow the user to activate the disabled option.

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25. (Original) The computer readable storage medium of claim 24 wherein the set of instructions further causes the computer to automatically generate an electronic request for verification of activation and email the electronic request to the user upon expiration of the period of delay.

26. (Original) The computer readable storage medium of claim 24 wherein the period of delay is 24 hours.

27. (Previously Presented) The method of claim 1 further comprising the steps of:
enabling user access to the option for a trial period; and
conveying a follow-up message to the user prior to an expiration of the trial period.

28. (Previously Presented) The method of claim 27 wherein the step of conveying the follow-up message includes conveying a notice of one or more of:
impending expiration of a licensing term to use the software; and
opportunity available to purchase permanent access to the option.

29. (Previously Presented) The computer readable storage medium of claim 25 wherein the set of instructions further causes the computer to accept a verification email from the user verifying self-activation of the disabled option.

30. (Previously Presented) The system of claim 10 wherein at least one computer is further programmed to receive the request to activate the disabled option from the user remote from the device and the centralized facility initiated by the user from the data entry module in a remote link that serves to connect the centralized facility to the user by a dialup link to a web server in the centralized facility communicatively coupled with the stand-alone device.

31. (Previously Presented) The system of claim 10 wherein at least one computer is further programmed to receive the request to activate the disabled option from the user remote from the device and the centralized facility initiated by the user from the data entry module in a remote link that serves to connect the centralized facility to the user by a telephone and telephone connection through a conventional telephone network and to an interactive voice recognition system (IVR) in the centralized facility communicatively coupled with the stand-alone device.

32. (Previously Presented) The system of claim 10 wherein the data entry module comprises a keypad, a keyboard, or a touch-tone screen.

33. (Previously Presented) An access granting system comprising:
a stand-alone device having a data entry module communicatively coupled therewith and further including at least one disabled option resident in memory thereon; and

a centralized facility located remotely from the device and having at least one computer programmed to:

display a graphical user interface configured to facilitate user activation of the at least one disabled option;

receive a request to activate the disabled option from a user remote from the device and the centralized facility;

generate an alphanumeric code;

electronically transmit the alphanumeric code to the user, the alphanumeric code configured to activate the disabled option upon inputting of the alphanumeric code by the user on the data entry module communicatively coupled with the stand-alone device; and

wherein the at least one computer is further programmed to receive the request to activate the disabled option from the user remote from the device and the centralized facility initiated by the user from the data entry module in a remote link that serves to connect the centralized facility to the user by a dialup link to a web server in the centralized facility communicatively coupled with the stand-alone device.

34. (Previously Presented) An access granting system comprising:
a stand-alone device having a data entry module communicatively coupled therewith and further including at least one disabled option resident in memory thereon; and

a centralized facility located remotely from the device and having at least one computer programmed to:

display a graphical user interface configured to facilitate user activation of the at least one disabled option;

receive a request to activate the disabled option from a user remote from the device and the centralized facility;

generate an alphanumeric code;

electronically transmit the alphanumeric code to the user, the alphanumeric code configured to activate the disabled option upon inputting of the alphanumeric code by the user on the data entry module communicatively coupled with the stand-alone device; and

wherein the at least one computer is further programmed to receive the request to activate the disabled option from the user remote from the device and the centralized facility initiated by the user from the data entry module in a remote link that serves to connect the centralized facility to the user by a telephone and telephone connection through a conventional telephone network and to an interactive voice recognition system (IVR) in the centralized facility communicatively coupled with the stand-alone device.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, **Rive** discloses receiving a request and I.D. data from a user (request from a specific user) of a remotely located stand-alone device (client, col. 16, lines 44-49 & col. 17, lines 32-36) seeking access to a non-enabled option resident on the device (col. 17, lines 37-43), generating an electronic enabler (one-time password, col. 17, lines 49-55) configured to enable the non-enabled option (col. 17, lines 49-55), transmitting the electronic enabler to the user and providing instructions to the user to install the electronic enabler (one-time password) in the remotely located stand-alone device (client) to activate the option on the remotely located stand-alone device (col. 17, lines 48-55). **Whigham** teaches a vending system where the user uses a cellular phone (data entry module) to request and purchase a product from a machine (col. 4, lines 10-14), the request being received by a server/centralized facility (col. 4, lines 10-14), which then automatically delivers a vend code to the user, via the phone (data entry module, col. 4, lines 53-61) and can be transmitted to the machine (col. 4, lines 62-67). **Fenstermaker** teaches that it is beneficial for users to try certain features of an ultrasound device without adding any hardware (col. 1, lines 21-32).

Regarding claim 1, **Steinmetz** discloses receiving a request and I.D. data (customer ID, Fig. 5) from a user via a data entry module (device's keyboard, col. 5, lines 14-25) communicatively coupled with a remotely located stand-alone device (ATM, Fig. 5) seeking access to a non-enabled option resident on the device (ATM, col. 9, lines 56-60), generating an electronic enabler (authorization key, col. 9, lines 33-34) to enable the non-enabled option (col.

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9, lines 62-64), transmitting the electronic enabler to the user (documents, col. 11, lines 66-67), providing instructions to the user (documents describing key, col. 11, lines 66-67) to install the electronic enabler in the remotely located stand-alone device to activate the option on the remotely located stand-alone device (ATM, col. 9, lines 56-60). **Whigham** teaches a vending system where the user uses a cellular phone to request and purchase a product from a machine (col. 4, lines 10-14) that is received by a server/centralized facility (col. 4, lines 10-14), which then automatically delivers a vend code to the user (col. 4, lines 53-61) and can be transmitted to the machine (col. 4, lines 65-67). **Fenstermaker** teaches that it is beneficial for users to try certain features of an ultrasound device without adding any hardware (col. 1, lines 21-32).

Regarding claim 10, **Rive** discloses a stand-alone device (computer with deactivated option, col. 17, lines 38-44) having a data entry module (module to enter the one-time password, see col. 17, lines 52-55) communicatively coupled therewith and further including at least one disabled option resident in memory thereon (col. 17, lines 38-44). **Whigham** teaches a vending system (similar to Rive's computer with deactivated option) where the user uses a cellular phone to request and purchase a product from the vending machine (col. 4, lines 10-14), where a request is received by a server/centralized facility (col. 4, lines 10-14), which then automatically generates and transmits a vend code to the user, via the phone (graphical user interface, col. 4, lines 53-61) and where the user inputs the vend code into the vending machine via a data entry module (col. 5, lines 26-37).

Regarding claim 22, **Steinmetz** discloses activation of a disabled option resident on a device (col. 9, lines 62-64), receiving a number of user inputs (col. 10, lines 1-13), generating an alphanumeric code (authorization key, col. 10, lines 14-15) to activate the disabled option upon

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inputting of the alphanumeric code by the user on a data entry module (device's keyboard, col. 5, lines 14-25) communicatively coupled with the device (col. 5, lines 14-25). **Whigham** teaches a vending system where the user uses a cellular phone to request and purchase a product from a machine (col. 4, lines 10-14) that is received by a server/centralized facility (computer readable storage medium having a computer program with instructions that when executed ..., col. 4, lines 10-14), which then automatically delivers a vend code to the user (col. 4, lines 53-61) and displays a graphical user interface configured to facilitate activation a service (cellular phone, col. 5, lines 26-37) where the user inputs the alphanumeric code (vend code) into the device (vending machine) via a data entry module (keypad, col. 5, lines 26-37). **Fenstermaker** teaches that it is beneficial for users to try certain features of an ultrasound device without adding any hardware (col. 1, lines 21-32).

However,

- a. Regarding claims 1 & 10, **the prior art relied upon fails to teach or suggest** the at least one computer programmed to prompt the user to input a set of identifying data, generate an electronic licensing contract and prompt the user to accept or decline, in combination with the remaining limitations of the claim.
- b. Regarding claim 22, **the prior art relied upon fails to teach or suggest** wherein the instruction to convey the alphanumeric code includes one of emailing the alphanumeric code to the user via an electronic messaging system and displaying the alphanumeric code on the graphical user interface coupled with the data entry module, in combination with the remaining elements of the claim. The prior art teaches wherein the

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code is displayed and entered by the user and wherein the code is transmitted, but not the code is displayed on the interface coupled with the data entry module.

c. Regarding claims 33-34, **the prior art relied upon fails to teach or suggest** receiving the request to activate the disabled option from the user from the device and the centralized facility initiated by the user from the data entry module in a remote link that links the centralized facility to the stand-alone device, in combination with the remaining elements of the claims.

d. All independent claims being allowable, claims 2-9, 11-13, 15-16 & 24-32 are allowable for the reasons stated above with respect to their independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS



February 28, 2007



KAMBIZ ZAND
PRIMARY EXAMINER